

Executive Sessions

All meetings of the Board of Education (the “Board”) for Mapleton Public Schools (the “District”) shall be open to the public, except for executive sessions. At any regular or special meeting the Board may proceed into executive session upon affirmative vote of two-thirds of the quorum present.

The Board shall not make final policy decisions, nor shall any formal action of any kind be taken during an executive session. This includes adopting or approving any resolution, policy, or regulation.

Prior to convening in executive session, the Board shall announce the topic of the executive session which shall be reflected in the minutes. The Board shall include the specific citation to statute authorizing it to meet in executive session when it announces the session and identify the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized.

The Board may hold an executive session for the sole purpose of considering any of the following matters:

1. Purchase, acquisition, lease, transfer, or sale of any real, personal, or other property. No executive session shall be held to conceal the fact that a member of the Board has a personal interest in such property transaction. C.R.S. § 24-6-402(4)(a).
2. Conferences with an attorney for the purpose of receiving legal advice on specific legal questions. C.R.S. § 24-6-402(4)(b). The mere presence or participation of an attorney at an executive session shall not be sufficient to satisfy this requirement.
3. Matters required to be kept confidential by federal or state law or regulations. C.R.S. § 24-6-402(4)(c). An announcement will be made indicating the specific citation to state or federal law which is the reason the matter must remain confidential.
4. Specialized details of security arrangements or investigations. C.R.S. § 24-6-402(4)(d).
5. Determination of positions relative to matters that may be subject to negotiations, development of strategy for negotiations, and instruction of negotiators. C.R.S. § 24-6-402(4)(e).
6. Personnel matters, unless an employee who is the subject of an executive session requests an open meeting. C.R.S. § 24-6-402(4)(f). If the personnel matter involves more than one employee, all of the employees must request an open meeting. Discussion of personnel policies that do not require discussion of matters specific to particular employees are not considered "personnel matters." The Teacher Employment, Compensation and Dismissal Act shall prevail in teacher dismissal

hearings, which provides that a dismissal hearing shall be open unless either the administration or employee requests that the hearing be closed. Discussions concerning a member of the Board, any elected official, or the appointment of a Board member are not considered personnel matters.

7. Consideration of any documents protected under the mandatory nondisclosure provision of the Open Records Act, except that consideration of work product documents and documents subject to the governmental or deliberative process privilege must occur in a public meeting, unless an executive session is otherwise allowed. C.R.S. § 24-6-402(4)(g).
8. Discussion of individual students where public disclosure would adversely affect the person or persons involved. C.R.S. § 24-6-402(4)(h).

Only those persons invited by the Board may be present during any executive session regardless of the topic of the session (including personnel matters).

Records of Executive Sessions

The Board shall cause an electronic recording to be made of the executive session in accordance with applicable law. The specific statutory citation to the executive session law that allows the Board to meet in executive session must always be recorded, even if the content of the session is not required to be recorded, as specified below.

If the executive session is held to discuss an individual student matter or to receive legal advice from an attorney on a particular matter, the Board is not required to make an electronic or written record of the content of the executive session. If no electronic recording is made because the discussion constitutes a privileged attorney-client communication, this must be stated on the electronic recording, or the attorney representing the Board must provide a signed statement attesting that the portion of the executive session that was not recorded constituted a privileged attorney-client communication.

All recordings and records related to executive sessions shall be retained by the Board for 90 days following the session. The secretary of the Board shall ensure that these records are routinely destroyed once the 90-day deadline expires.

Confidentiality

Each school board member must sign an affidavit stating that the board member is aware of and will comply with the confidentiality requirements and restrictions applicable to executive sessions of the Board. This affidavit shall be signed at the Board's Organizational



BEC

Meeting (See, BDA: Board Organizational Meeting). The affidavits shall be kept with the minutes of the Board meeting.

Adopted December 10, 2013, by the Board of Education for Mapleton Public Schools.

LEGAL REFERENCES:

C.R.S. § 22-32-108(5) (*meetings of the board of education*)

C.R.S. § 24-6-402 (*Open Meetings Law*)

CROSS REFERENCES:

BDA: Board Organizational Meeting

BEDA: Notification of School Board Meetings

KDB: Public's Right to Know/Freedom of Information